

Application No.: 08/987,775
Inventor: GREFENSTEIN
Reply to Office Action of June 1, 2006
Docket No.: 47587

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REMARKS/ARGUMENTS**Claim Amendments**

Claims 24, 41 and 43 have been amended to recite:

1. The amount of graft base A1 is 55 to 80% by weight. Support for this amendment can be found at page 7, line 1 of the description.
2. The amount of graft A2 is 20 to 45% by weight. Support for this amendment can be found at line 5 of the description.
3. The amount of component A21 is 65 to 85% by weight. Support for this amendment can be found at line 9 of page 7 of the description.
4. The amount of A22 is 15 to 35% by weight. Support for this amendment can be found at line 13 of page 7 of the description.
5. The amount of A11 is 95 to 99.9% by weight. Support for this amendment can be found at line 22 of page 7 of the description.
6. The amount of A12 is 0.1 to 5.0 % by weight. Support for this amendment can be found at line 26 of page 7 of the description.
7. The amount of B11 is 60 to 85 % by weight. Basis for this amendment is page 15, line 9 of the description.
8. The amount of B2 is 15 to 40 % by weight. Basis for this amendment is line 30 of page 15 of the description.

Claim Rejections under 35 USC § 103

In the Office action of June 1, 2006, the Examiner presented 10 grounds of rejection, which were identified by reference numerals 2-11.

With the exception of reference numerals 2-3 and 7-10, the Examiner's rejections were virtually identical to those set forth in the Office action of December 15, 2005. Further, regarding reference numerals 2-3 and 7-10, the only apparent difference between the instant rejections and those set forth in the Office action of December 15, 2005, was the apparent

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addition of Japanese reference JP 61-026646 (Yutaka et al.) to the previous grounds of rejection. Also, regarding reference numerals 3 and 5, which purport to reject claims 32 and 39 as being obvious, it should be appreciated that claims 32 and 39 were canceled by the Amendment filed on October 7, 2002- almost 4 years ago. Accordingly, claims 32 and 39 are no longer pending. Also, the instant Office action includes a section entitled "Continued Examination Under 37 CFR 1.114," and states, "Applicant's submission filed on 7/26/2004 has been entered." This exact section also appears in the Office action of December 15, 2005.

In view of the above, Applicants are concerned that the instant application may not be receiving an appropriate level of consideration as necessary for proper examination. In view thereof, Applicants kindly request the Office to ensure that the instant application is accorded a proper and due level of analysis and consideration.

Moving now to the rejections, Applicants have amended independent claims 24, 41 and 43 thereby rendering the rejections moot. Regarding reference numerals 4-6, Applicants respectfully traverse the rejections inasmuch as they may apply to the claims as amended. Also, inasmuch as they may apply to the claims as amended, Applicants reassert all arguments set forth in their response of March 15, 2006 and all previous responses. Regarding reference numerals 2-3 and 7-10, Applicants respectfully traverse the rejections inasmuch as they may apply to the claims as amended. Also, inasmuch as they may apply to the claims as amended, Applicants reassert all arguments set forth in the response of March 15, 2006 and all previous responses. Also, with the exception of further citing Yutaka et al., because the Applicants consider the instant rejections to be virtually identical to those set forth in the Office action of December 15, 2006, and for convenience of the Office, Applicants limit their discussion herein to Yutaka et al.

Regarding Yutaka et al., Yutaka et al. disclose a thermoplastic resin composition having remarkably improved appearance, a high impact resistance, made by compounding a polycarbonate resin to an AAS-resin prepared by using a specific crosslinked acrylic rubber having a multi-layered structure. This composition can be prepared by compounding 5 to 95 % by weight of a graft polymer obtained by the polymerization of 5 to 90 % by weight of a mixture of 10 to 90% aromatic vinyl compound and 90 to 10 % ethylenically unsaturated monomer in the

Application No.: 08/987,775
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Docket No.: 47587

presence of latex containing a crosslinked acrylic rubber having multi-layered structure containing 5 to 50 % crosslinked rigid resin and 95 to 5 % crosslinked acrylic acid ester polymer, as component B 5 to 95 % polycarbonate resin and optionally other rigid thermoplastic resins.

Accordingly, Yutaka et al. describes the use polycarbonates in a composition for forming molded articles and does not contain a teaching, suggestion or motivation to combine/modify their teachings with those of others to create the instant claimed invention; i.e., a laminate. Simply put, Yutaka et al. do not suggest, nor do the references when combined, using 10 to 80 % by weight of polycarbonate as a component of a substrate layer of a laminated sheet or film according to the claimed invention. Yutaka et al. do not disclose, teach or suggest different coextruded layers comprising a transparent top layer of polymethylmethacrylate and optionally, between a top layer and a substrate layer, a coextruded interlayer of impact-modified polymethylmethacrylate, polycarbonate or a molding composition of said substrate layer without polycarbonate, if said substrate layer contains polycarbonate. Consequently, one having ordinary skill in the art of laminates would not look to Yutaka et al., which relates to a molding composition, in order to learn how to develop a laminated sheet or film as claimed.

Furthermore, Yutaka et al. do not teach one having ordinary skill in the art that the addition of a polycarbonate to a substrate layer of a laminated sheet, or film comprising coextruded layers, gives rise to the advantages disclosed by the Applicant; in this regard, please see the Applicants response of March 15, 2006 wherein it is discussed:

...an advantage of having a polycarbonate in the substrate layer can be clearly seen in table 2 of the instant Specification. The penetration energy of sheets practiced according to the instant invention, rows 1-3 of table 2 on page 34, is compared to a sheet made according to the instant invention, but without polycarbonate, row 4 of table 2. The penetration energy of sheets practiced according to the present invention is between 21.3 and 31.7 Nm, whereas the penetration energy drops to 10.6 Nm when polycarbonate is not present. Therefore, these experimental data show that the presence of a polycarbonate has a significant impact on penetration energy of the sheets.

The advantage of a polycarbonate in respect to the durability of gloss of sheets that are practiced according to the instant invention is shown by examples 2, 3 and 4 in the table of Appendix A of the Declaration of Dr. Grefenstein. Examples 2, 3 and 4 have a high starting gloss at 20° of 80, 100 and 101. The gloss only drops after weathering for 1500 h to values of 76, 100 and 99. Further,

Application No.: 08/987,775
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Reply to Office Action of June 1, 2006
Docket No.: 47587

after extended weathering for 3000 h, the gloss only drops to values of 75, 90 and 93.

Accordingly, these experimental data show that the presence of polycarbonate in the substrate layer helps stabilize the gloss of sheets practiced according to the instant amended Claims. (See pp. 7-8, Reply of March 15, 2006).

Yutaka et al. do not disclose, teach or suggest that the combination of a substrate layer comprising components A, B, C and optionally D, and a transparent top layer of polymethylmethacrylate, and optionally, between the top layer and the substrate layer, a coextruded interlayer, in which a polycarbonate is added to the substrate layer, gives rise to a better appearance and higher impact strength of the laminated sheet or film. Yutaka et al. merely describe that the addition of a polycarbonate to a molding composition can increase its appearance and impact stability. Yutaka et al. do not disclose, teach or suggest that an elaborate structure such as a laminated sheet or film can be improved by the simple addition of a polycarbonate to one layer of a three layer structure and there is no reasonable expectation that the addition thereof to a laminate would be successful.

As Applicants have set forth in their previous responses, a person having ordinary skill in the art would not be motivated to 1.) select the references cited by the Examiner for combination as they relate to entirely different fields of endeavor, or 2.) to combine them in the manner as propounded by the Examiner to arrive at the instant claimed invention. Also, there is simply no reasonable expectation that one would be successful given that Yutaka et al relates to molded articles and the instant claims relate to laminates. Furthermore, one having ordinary skill in the art would certainly not look to Yutaka et al. for answers related to problems associated with laminates.

In sum, none of the cited references contain a teaching, suggestion or motivation to combine their respective teachings to create the claimed invention. Furthermore, the simple fact remains that absent the Applicants disclosure, even provide the cited references, one having skill in the art would not individual have been motivated to combine/modify the references in the manner of the Applicants to create the present invention. Indeed, "virtually all [inventions] are combinations of old elements. Therefore, an examiner may often find every element of a

Application No.: 08/987,775
Inventor: GREFENSTEIN
Reply to Office Action of June 1, 2006
Docket No.: 47587

claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue.” *In re Rouffet*, 149 F.3d 1350, 1357-58, 47 USPQ2d 1453, 1457 (Fed. Cir. 1998) (Emphasis added).

In view of the above, Applicants respectfully submit that the claimed invention is nonobvious and the rejection should be withdrawn.

Conclusion

Applicants respectfully submit that the present application is in condition for allowance, which action is courteously requested. Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 14-1437. Please credit any excess fees to such deposit account.

Respectfully submitted,



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Attachments

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